

Testimony of Nan D. Stein, Ed.D.
Senior Research Scientist, Wellesley College Center for Research on Women
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Commission hearings on Laws related to Bullying and Parental Responsibility/Liability.

Introduction:

Thank you for the opportunity to speak before this commission. I worked for the Massachusetts Department of Education (MA DOE) in the educational equity unit for 14 yrs (1978-1992). Prior to my time at the MA DOE, I worked as a social studies teacher in a middle school (1971-1973), as well as serving as a drug/alcohol counselor in Somerville schools (1974-1976). Since 1992, I have been a senior research scientist at Wellesley College doing research that I began at the MA DOE in 1978, looking at gender-based harassment/violence in schools. I focus on what I call “the public performance of gendered violence” – that being the enactment of sexual harassment in schools (Stein, 1995).

B. 2 main points before this commission:

(1). I urge the commission to send to **every school principal** in MA, a copy of the extremely helpful US Dept of Education’s **Office for Civil Rights “Dear Colleague Guidance on Bullying and Harassment,” issued on Oct 26, 2010**. I provided a copy in advance of my testimony.

<http://www2.ed.gov/ocr/letters/colleague-201010.html>.

MA schools may have overlooked this important document as they were consumed with complying with the new MA state law on bullying. This guidance from OCR helps to disentangle the conflation of bullying and harassment, and clarifies that schools must comply with anti-harassment laws that are part of the civil rights framework that guide education in our country. In addition, the OCR memo asserts that school personnel

cannot use the label “bullying” when addressing harassment and other civil rights violations. In other words, federal civil rights laws trump the “bullying” label/framework.

Case in point: It is my belief that both **Phoebe Prince & Carl Walker-Hoover**, were both sexually harassed - because of their gender; and to call it “bullying” removes or reduces the responsibility that the schools have to insure the safety and rights of the students under federal civil rights laws.

In my opinion, we do not need another law – instead we should use the laws that we have, especially those under federal civil rights laws- the ones that require schools to provide a safe and equitable learning environment for all students. It is not up to parents to provide a safe learning environment- nor is it up to the students to create a safe & equitable learning environment- it is up to the school district/personnel to establish and maintain and transmit the safe and equitable learning environment.

Allow me to read some relevant sections from the OCR guidance:

*ED is issuing the Dear Colleague Letter to clarify the relationship between bullying and discriminatory harassment, and to **remind schools that by limiting their responses to a specific application of an anti-bullying or other disciplinary policy, they may fail to properly consider whether the student misconduct also results in discrimination in violation of students’ federal civil rights.***

- “If harassment has occurred, a school must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment, and prevent its recurrence. These duties are a school’s responsibility even if the misconduct also is covered by an anti-bullying policy and regardless of whether

the student makes a complaint, asks the school to take action, or identifies the harassment as a form of discrimination.”

#2- My warning about curriculum on bullying – it’s a matter of “**consumer protection**” and “**consumer fraud.**” The new state law calls for the MA DOE to compile a list of evidence-based curricula, best practices and academic-based research (see section (j), lines 189-200).

Schools are flooded with bullying curricula and training protocols that lack evidence of their efficacy. These materials and their authors promote claims of effectiveness yet the research results do not show it or they have not been evaluated. Or if they have, these evaluations have major gaps and raise serious concerns. Some have been evaluated by their author(s), which presents a conflict of interest and bias problem. Other results—assuming they were effective—have not been replicated with groups beyond the initial group of students. If the effects cannot be replicated in other environments with more diverse populations, then there is some doubt about the usefulness of that particular curricular intervention with a wider group of subjects, schools, and youth. And the integrity of some of these evaluations must be called into question as schools volunteered to be included in the studies, after having already expressed an interest in these materials. Thus, the evaluation projects that did not utilize a random assignment at the beginning of the studies call the whole enterprise into question.

Further, rarely have the results of any of these mock evaluations been published in peer-reviewed journals that scholars and researchers can read, discuss, debate, and replicate. Their importance and effectiveness is fabricated and resides only in their own minds.

Many of the curriculum materials—whether they are free like “Don’t Laugh At Me” which was developed by Operation Respect, an organization founded by Peter Yarrow of the folk group Peter, Paul & Mary, or cost thousands of dollars like the Olweus Bullying Prevention Program—have demonstrated minimal effectiveness despite being popular. The Olweus program is used very widely, but aside from an initial effort in rural South Carolina in the mid-1990s, there are minimal reports of effectiveness or replication published about their U.S. research results despite its widespread use. The program is not proven to be effective in the U.S., yet school districts keep paying for this expensive service based on Olweus’ promotion of its effectiveness in Norway & Sweden.

So, what’s a school district to do? Go with something cheap? or something expensive? But what if isn’t any data to really make the case with either or to distinguish one from the other? There are abundant examples of both floating around our state, free ones and expensive ones, waiting to colonize our needy districts.

Two examples:

(1). I was horrified to learn of one that was imposed on middle school students in Lexington MA, where the students had to watch a video of the shootings and aftermath at Columbine High School. This assembly and video was put together by parents of the one of the students killed at Columbine (“*Rachel’s’ Challenge*”). I have been all over their web site and there are no claims of evaluation- only “inspiration.” & a lot of marketing of their T-shirts, banners, postcards and books for sale. Where’s the evidence in all this?

(2) Another sad case in point that has great relevancy to MA: is the trainer/speaker Barbara Coloroso, who spoke at S. Hadley High School before Phoebe Prince’s suicide, and then she came back to own, on her own dime, after the suicide. She is someone who

has written a few popular books on bullying and parenting which is vastly different from offering a tested set of interventions- yet she is heralded as some great world-wide expert on bullying. Not even her web site makes the claims of the evaluated effectiveness of her approach. Yet, she has been anointed as a worldwide expert.

The tragedy of lives lost should spur action. But this should not result in reckless implementation of unproven programs that respond to isolated issues rather than holistic policy creation, professional development, and comprehensive programming, supported by rigorous, unbiased evaluation. Only about five percent of existing intervention, prevention, and remediation programs, in general, has demonstrated any value/worth of effectiveness (Ttofi & Farrington, 2009). I urge the commission and the state DOE to compile a list that is not comprised of junk science. Clearly the school districts are floundering without some guidance based on science and rigorous evaluation.

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